

EXHIBIT C

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

AMANDA KLINK,

Plaintiff,

vs.

UNIFUND CCR, LLC,

Defendant.

CIVIL DIVISION

ELECTRONICALLY FILED

Case No. GD-21-000960

COMPLAINT IN CIVIL ACTION

Filed on Behalf of Plaintiff:
Amanda Klink

Counsel of Record for This Party:

J.P. WARD & ASSOCIATES, LLC

Joshua P. Ward
Pa. I.D. No. 320347

The Rubicon Building
201 South Highland Avenue
Suite 201
Pittsburgh, PA 15206

Telephone: (412) 545-3015
Fax: (412) 540-3399
E-mail: JWard@JPWard.com

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer. **IF YOU CANNOT AFFORD TO HIRE A LAWYER**, this office may be able to provide you with information about agencies that may offer legal service to eligible persons at a reduced fee or no fee:

LAWYER REFERRAL SERVICE
11TH FLOOR KOPPERS BUILDING,
436 SEVENTH AVENUE
PITTSBURGH, PENNSYLVANIA 15219
TELEPHONE: (412) 261-5555

HEARING NOTICE YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in the Compulsory Arbitration Center. Report to the Arbitration Assembly Room, Courtroom Two, Seventh Floor City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania 15219, on ____, 2021 at 9:00 A.M.

IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING. DUTY TO APPEAR AT ARBITRATION HEARING IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

NOTICE: You must respond to this complaint within twenty (20) days or a judgment for the amount claimed may be entered against you before the hearing. If one or more of the parties is not present at the hearing, the matter may be heard immediately before a judge without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

AMANDA KLINK,

CIVIL DIVISION

Plaintiff,

ELECTRONICALLY FILED

vs.

Case No. GD-21-000960

UNIFUND CCR, LLC,

Defendant.

COMPLAINT IN CIVIL ACTION

AND NOW, comes Plaintiff, Amanda Klink, by and through the undersigned counsel, J.P. Ward & Associates, LLC and, specifically, Joshua P. Ward, Esquire, who files the within Complaint in Civil Action against Defendant, Unifund CCR, LLC, of which the following is a statement:

PARTIES

1. Plaintiff, Amanda Klink (hereinafter "Amanda Klink"), is an adult individual who currently resides at 4559 Nature Trail Drive, Allison Park, PA 15101.
2. Defendant, Unifund CCR, LLC (hereinafter "Unifund"), is a corporation with its principal place of business located at 10625 Techwood Circle, Cincinnati, Ohio 45242.

JURISDICTION AND VENUE

3. Jurisdiction is proper as Plaintiff brings this lawsuit under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.*
4. Venue is proper pursuant to Pa.R.C.P. 2179(a)(2) because Defendant regularly conducts business in Allegheny County, Pennsylvania and because Defendant is subject to general jurisdiction of Allegheny County, Pennsylvania.

PROCEDURAL HISTORY AND FACTUAL ALLEGATIONS

5. On February 8, 2020, Unifund filed a Civil Complaint against Amanda Klink in the Court of Common Pleas of Allegheny County at Docket Number: AR-20-000676. A true and correct copy of the Docket is attached hereto, **made a part hereof, and marked as Exhibit "A"**.

6. In response to the Civil Complaint, Amanda Klink engaged The Law Firm of Fenters Ward for representation.

7. Prior to the hearing, Unifund filed a Complaint pursuant Allegheny County Local Rule 1320 Small Claim Procedure. A true and correct copy of the Complaint is attached hereto, **made a part hereof, and marked as Exhibit "B"**.

8. Within its Complaint, Unifund was claiming the amount in excess of \$3,000 and therefore failed to comply with Allegheny County Local Rule 1320, which provides that "The following procedure shall govern Small Claims...and civil actions where the damages claimed do not exceed the sum of \$3,000." See Exhibit "B".

9. Unifund failed to comply with Allegheny County Local Rule Small Claim Procedure: this constituted a false, deceptive and fraudulent representation in the attempted collection of a consumer debt in violation of 15 U.S.C.A. § 1692e(5) and (10).

COUNT I
VIOLATIONS OF THE FDCPA, 15 U.S.C. § 1692, *et seq.*

10. Plaintiff incorporates the allegations contained in the paragraphs, above, as if fully set forth at length herein.

11. There is abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. Abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy. 15 U.S.C.A. 1692(a).

12. The purpose of the FDCPA is to “eliminate abusive debt collection practices by debt collectors, to ensure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses.” 15 U.S.C.A. § 1692(e).

13. Amanda Klink is a “consumer” as defined by § 1692a(3) of the FDCPA.

14. Unifund is a “debt collector” as defined by § 1692a(6) of the FDCPA.

15. Upon information and belief, the alleged “debt” arises out of an alleged transaction entered into primarily for personal, family, or household purposes. “The term ‘debt’ means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.” 15 U.S.C.A. § 1692a(5).

16. The Third Circuit has held that the FDCPA is to be enforced by private attorney generals. *Weiss v. Regal Collections*, 385 F.3d 337, 345 (3d. Cir. 2004).

17. The FDCPA, 15 U.S.C.A. § 1692e(5) and (10), states in pertinent part:

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

(5) The threat to take any action that cannot legally be taken or that is not intended to be taken.

...

(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

18. On February 8, 2020, Unifund filed its complaint in the Court of Common Pleas of Allegheny County case docketed at AR-20-000676. **See Exhibit “A”.**

19. Unifund failed to comply with Allegheny County Local Rule 1320 by filing a short form complaint where damages exceed \$3,000. **See Exhibit “B”.**

20. This failure to comply with Allegheny County Local Rule 1320 constituted a false, deceptive and fraudulent representation in the attempted collection of a consumer debt and constituted an action that cannot be taken, a violation of 15 U.S.C.A. § 1692e(5) and (10).

21. Here, the only natural consequence of Unifund’s acts was to harass, oppress, and abuse Amanda Klink.

22. As such, Unifund’s conduct, as set forth above, violated 15 U.S.C.A § 1692d of the FDCPA.

23. Section 1692k(a) of the FDCPA provides, in relevant part:

...any debt collector who fails to comply with any provision of this subchapter with respect to any person is liable to such person in an amount equal to the sum of – (1) any actual damages sustained by such person as the result of such failure; (2)(A) in the case of any action by an individual, such additional damages as the court may allow, but not exceeding \$1,000; and (3) in the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee as determined by the court.”

15 U.S.C. § 1692k(a) of the FDCPA.

24. As a direct and proximate result of Unifund’s violations of § 15 U.S.C.A. § 1692e(5) and (10) of the FDCPA, as set forth above, Amanda Klink has suffered annoyance, anxiety, embarrassment, emotional distress, and severe inconvenience.

WHEREFORE, Plaintiff, Amanda Klink, respectfully requests that this Honorable Court enter judgment in their favor and against Defendant, Unifund CCR, LLC, and enter an award of monetary damages as described herein, not in excess of arbitration limits, including an award for actual damages, statutory damages pursuant to 15 U.S.C. §1692k(a), costs and attorney’s fees

pursuant to 15 U.S.C. § 1692k(a), and such other and further relief as this Honorable Court deems just and proper.

JURY TRIAL DEMANDED UPON APPEAL OR REMOVAL.

Respectfully submitted,

J.P. WARD & ASSOCIATES, LLC

Date: August 24, 2021

By: 

Joshua P. Ward (Pa. I.D. No. 320347)

Kyle H. Steenland (Pa. I.D. No. 327786)

J.P. Ward & Associates, LLC

The Rubicon Building

201 South Highland Avenue

Suite 201

Pittsburgh, PA 15206

Counsel for Plaintiff

EXHIBIT A

Zoom-In Zoom-Out

Home > Search > Case Search

Case Details - AR-20-000676

Unifund CCR LLC vs Klink

Filing Date:
02/08/2020
 Filing Time:
11:31:14
 Related Cases:
 Consolidated Cases:
 Judge:
Walko Jr, Donald R
 Amount In Dispute:
\$ 3306.02
 Case Type:
Contract - Debt Collection
 Court Type:
Arbitration
 Current Status:
Award for Defendant
 Jury Requested:
No

Parties Count : 6

--Litigants--

Search

LName	FName	MI	Type	Address	Initial Service Completion	Attorney
Unifund CCR LLC			Plaintiff	10625 Techwoods Circle Cincinnati OH 45242	--	Demetrios H. Tsarouhis
Klink	Amanda	M.	Defendant	117 Crescent Hills Road Pittsburgh PA 15235	03/02/2020 1555	--

Showing 1 to 2 of 2 rows

--Attorney--

Search

LName	FName	MI	Type	Address	Phone
Tsarouhis	Demetrios	H.	Plaintiff's Attorney	21 South 9th Street Allentown PA 18102	6106282440
Ward	Joshua	P.	Defendant's Attorney		--

Showing 1 to 2 of 2 rows

--Non Litigants--

Search

LName	FName	MI	Type	Address	Phone
Arbitration Center			Arbitration Center	414 Grant Street Courtroom 2, 7th Floor Pittsburgh PA 15219	
Walko Jr.	Donald	R	Judge		









Showing 1 to 2 of 2 rows

Top

Docket Entries Count : 10

Search

Filing Date	Docket Type	Docket Text	Filing Party	Redacted Document
7/24/2020	Award for Defendant	Dated 07/24/20. Notice of award sent. Arbitration Board #38826	Arbitration Center	Document 10

Filing Date	Docket Type	Docket Text	Filing Party	Redacted Document
6/2/2020	Reply to New Matter		Unifund CCR LLC	 Document 9
5/22/2020	Answer and New Matter	to Amended Complaint	Amanda Klink M.	 Document 8
5/20/2020	Notice of Rescheduled Hearing	The above captioned case has been rescheduled to 7/24/2020. Notices sent to all parties 5/20/2020.	Arbitration Center	 Document 7
5/20/2020	Order of Court	Dated 05/19/20. Ordered that Plaintiff has 90 days to file an Amended Complaint. See Order for specifics. Walko J. Notice sent.	Donald Walko Jr. R	 Document 6
5/18/2020	Amended Complaint		Unifund CCR LLC	 Document 5
3/13/2020	Adjournment of Hearing	Dated 3/13/20. Case continued to 6/09/20 at 09:00 a.m., Arbitration Center	Amanda Klink M.	 Document 4
3/10/2020	Preliminary Objections	Scheduled for 4/29/20 at 10:15 a.m. before the Motions Judge	Amanda Klink M.	 Document 3
3/2/2020	Sheriff Return	Klink Amanda M. was served with Complaint on 03/02/2020 by Served - Adult family member with whom said Defendant(s) reside(s), Daniel	Unifund CCR LLC	Sheriff Return
2/8/2020	Complaint	Count #1: \$ 3306.02 Plus costs/interest/attorney fees. Hearing date 04/27/2020	Unifund CCR LLC	 Document 1

Showing 1 to 10 of 10 rows

Event Schedule Count : 3

Search



Event Scheduled	Event Date & Time	Room Number	Judge/Hearing Officer
Arbitration Hearing	07/24/2020 9:00	Room 702, City-County Building	Arbitration Panel
Arbitration Hearing	06/09/2020 9:00	Room 702, City-County Building	Arbitration Panel
Arbitration Hearing	04/27/2020 9:00	Room 702, City-County Building	Arbitration Panel

Showing 1 to 3 of 3 rows

Services Count : 1Complete Service History

Search



Desc	Name	Service Address	Person Served	Served By	Service Date	Service Time	Status
Complaint	Amanda M. Klink	117 Crescent Hills Road R Pittsburgh, PA 15235 Penn Hills Township	Klink Amanda M.	DMACIOCE	3/2/2020	1555	Served - Adult family member with whom said Defendant(s) reside(s)

Showing 1 to 1 of 1 rows

EXHIBIT B

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION

COVER SHEET

Plaintiff(s)
UNIFUND CCR, LLC

Case Number:

vs.

Type of Pleading: Complaint

Defendant(s)
AMANDA M KLINK

Code and Classification:

Filed on behalf of Plaintiff

Name of Filing Party:
UNIFUND CCR, LLC

☒ Counsel of Record

☐ Individual, If Pro Se

Name, Address, and Telephone Number:

Demetrios H Tsarouhis
21 S 9th Street
Allentown, PA 18102
610-628-2440
610-465-8844

Claim No. 201366.001

Attorney's State ID: 88513

Attorney's Firm ID:

COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

UNIFUND CCR, LLC,
Plaintiff

v.

AMANDA M KLINK
Defendant,

:
:
: No. _____
:
: Hearing Date: _____
:
: CONSUMER CREDIT CARD DEBT
: COLLECTION ACTION
:
: 201366.001
:

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the attached copy of the suit papers. **YOU MUST** complete and detach two of the copies of the attached "Notice of Intention to Appear." One completed copy of the "Notice of Intention to Appear" must be filed or mailed to the Department of Court Records, Civil/Family Division, First Floor, City-County Building, 414 Grant Street, Pittsburgh, PA 15219 and the other completed copy must be mailed to:

Tsarouhis Law Group, LLC
21 S 9th Street
Allentown PA 18102

within **TWENTY (20)** days from the date these papers were mailed. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money, property, or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE
The Allegheny County Bar Association
3rd Floor Koppers Building, 436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: 412-261-5555
<http://www.acbalrs.org>

HEARING NOTICE YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in Court Room 2, 7th Floor of the City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania, on _____, _____ [insert date and year] at 9:00 A.M. **IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE**

TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

DUTY TO APPEAR AT ARBITRATION HEARING

If one or more of the parties is not present at the hearing, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

NOTICE: You must respond to this complaint within twenty (20) days or a judgment for the amount claimed may be entered against you before the hearing.

If one or more of the parties is not present at the hearing, the matter may be heard immediately before a judge without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.

NOTICE OF INTENTION TO APPEAR

UNIFUND CCR, LLC.
Plaintiff

v.

AMANDA M KLINK
Defendant

No. _____

Hearing Date: _____

201366.001

To The Plaintiff Or The
Plaintiff's Attorney:

I intend to appear at the hearing scheduled for the above date and defend against the claim made against me. I do not owe this claim for the following reasons:

I certify that I have mailed a copy of this Notice to the Plaintiff or the Plaintiff's Attorney

Sign Here: _____

(Defendant or Defendant's Attorney If Any)

Date: _____

Address: _____

TO BE FILED WITH DEPT OF COURT RECORDS

NOTICE OF HEARING

TO THE DEFENDANT:

A lawsuit has been entered against you. Attached is a copy. You are requested to appear for a hearing on _____, at _____ o'clock, in the City-County Building (located at 414 Grant Street) on the 7th floor in Courtroom #2. If you intend to appear at the hearing and defend against this claim, YOU MUST complete and detach two of the copies of the "Notice of Intention to Appear" at the top of this page. One completed copy of the "Notice of Intention To Appear" must be filed or mailed by **Certified or Registered Mail** to the Department of Court Records, Civil Family Division, 1st Fl., City County Bldg., Pittsburgh, PA 15219 and the other completed copy must be mailed to: **Tsarouhis Law Group, 21 S 9th Street, Allentown PA 18102** within 20 days from the date that you receive these papers.

IF YOU DO NOT thus file or mail "Notice of Intention To Appear," OR IF YOU properly file or mail it but DO NOT APPEAR at the above time and place for the hearing, A JUDGMENT OR AN AWARD FOR THE AMOUNT OF THE CLAIM MAY BE ENTERED AGAINST YOU.

[illegible]

No.

5. Upon information and belief, defendant(s) used or authorized the use of the account to obtain loans from the original credit grantor for the purpose of obtaining goods, and/or services and/or cash

advances.

6. Defendant(s) failed to make full payment of the amount owed on the account.

7. The account shows that the Defendant(s) owe(s) a balance of \$3,306.02.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter Judgment in favor of the Plaintiff and against Defendant(s) in the amount of \$3,306.02 plus costs of this action, and any other relief as this Court deems just and reasonable.

Respectfully Submitted,

TSAROUHIS LAW GROUP, LLC



DEMETRIOS H. TSAROUHIS

I.D. #88513

MICHAEL J. MCCRYSTAL

I.D. #55064

Attorneys for Plaintiff

21 S. 9th Street—Suite 200

Allentown, PA 18102

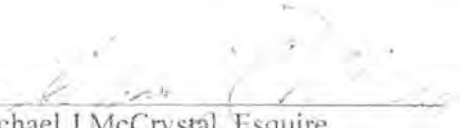
610-628-2440

Date: January 14, 2020

201366.001

VERIFICATION

I, Michael J McCrystal, Esquire, verify that the statements contained in the aforementioned Complaint are true and correct based on my communications with my client. I make this verification because my client is unavailable to sign this document at this time. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. Sec. 4904 relating to unsworn falsification to authorities.

By: 
Michael J McCrystal, Esquire

Date: January 14, 2020

201366.001

VERIFICATION

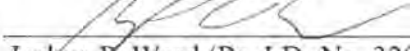
I, JOSHUA P. WARD, ESQ., have read the foregoing COMPLAINT and verify that the statements therein are correct to the best of my personal knowledge, information, and/or belief. I have gained this information from discussions with Plaintiff. This verification is made on behalf of Plaintiff. Plaintiff will produce their verification if/when there is an objection by Defendant or upon directive from the court.

I understand that this verification is made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

Respectfully submitted,

J.P. WARD & ASSOCIATES, LLC

Date: August 24, 2021

By: 
Joshua P. Ward (Pa. I.D. No. 320347)
Kyle H. Steenland (Pa. I.D. No. 327786)

J.P. Ward & Associates, LLC
The Rubicon Building
201 South Highland Avenue
Suite 201
Pittsburgh, PA 15206

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2021, a true and correct copy of the foregoing Complaint in Civil Action was served upon the following:

Unifund CCR, LLC
10625 Techwood Circle
Cincinnati, OH 45242

Respectfully Submitted,

J.P. WARD & ASSOCIATES, LLC

Date: August 24, 2021

By: 

Joshua P. Ward (Pa. I.D. No. 320347)

Kyle H. Steenland (Pa. I.D. No. 327786)

The Rubicon Building
201 South Highland Avenue
Suite 201
Pittsburgh, PA 15206



**J.P. WARD
& ASSOCIATES, LLC**
PITTSBURGH • PHILADELPHIA

201 S HIGHLAND AVENUE SUITE 201
PITTSBURGH, PA 15206

RECEIVED

AUG 26 2021

Unifund Media Dept

JOSEPH P. WARD, ESQ.

412 541 3016 OFFICE
412 541 3399 FAX
info@JPWARD.COM

August 24, 2021

VIA FIRST CLASS MAIL

Unifund CCR, LLC
10625 Techwood Circle
Cincinnati, OH 45242

Re: Klink, Amanda v. Unifund CCR, LLC; GD-21-000960
(Complaint in Civil Action)

To Whom It May Concern,

Enclosed, please find Plaintiff's Complaint in Civil Action in the above captioned matter. Thank you for your time and attention to this matter, please feel free to contact us if you have any questions or concerns.

Very truly yours,

Kyle H. Steenland, Esq.
ksteenland@jpward.com
Phone: (412) 651-8278

Enclosure(s): 1

FIRST CLASS MAIL



quodient
FIRST-CLASS MAIL
\$001.60²
08/24/2021 ZIP 15206
043M31217099

US POSTAGE



J.P. WARD
& ASSOCIATES, LLC
INCORPORATED - PENNSYLVANIA

201 SOUTH HIGHLAND AVE., SUITE 201, PITTSBURGH, PA 15206



Unifund CCR, LLC
10625 Techwood Circle
Cincinnati, OH 45242

